

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 10, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, July 23 and September 3, 2008 Worksessions.

Action: Approved as amended, (CGT/DKP, 4-0).

2. **A-5714, Petition of Robin C. Carruthers** (deck). Inspection report to the Board from Peter Hrycak, Inspector, Department of Permitting Services (DPS).

Action: Return inspection report to DPS and request that the department reevaluate enforcement options and revisit it's enforcement decision, (DKP/WMH, 4-0).

3. **CBA-2724-C [CBA-2724-B, CBA-2724-A, CBA-2724, S-616], Petition of Norbeck Country Club** (country club). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: boundary survey, special exception plan/cover sheet, special exception site plan, demolition plan, new work plan/club house, entrance/façade design, floor and roof plan/pool house, pool house elevations].

Action: Granted the administrative modification, (DKP/CGT, 4-0).

4. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letter from April Birnbaum, Esquire, submitting the additional information requested by the Board.

Action: Item deferred for additional information regarding the chain of corporate transfers, consensus.

5. **S-154, Petition of Danac Real Estate Investment Corporation** (off-street parking). Letter from Christopher Ruhlen, Esquire, notifying the Board that the special exception is permitted by right and requesting that it be revoked.

Action: Revoked special exception for lack of jurisdiction, (CGT/WMH, 4-0).

6. **S-684 [S-684-A], Petition of Burkland Condominium Association, Inc.** (medical and dental clinic). Letter to the Board from Martin Hutt, Esquire, requesting an administrative modification.

Action: Denied administrative modification for lack of a majority. (DKP/AIF, 3-1).

7. **S-858 [S-858-A], Petition of The Treatment and Learning Centers, Inc. and Surjeet K. Singh** (child day care facility). Letter to the Board from Stephen Orens, Esquire, requesting an administrative modification.

Action: Granted administrative modification , (DKP/WMH, 4-0).

8. **S-1735, Petition of Wajeed Khan, M.D.** (non-resident professional office). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification [Large exhibits: site development plan, site lighting plan, reduced zoning vicinity].

Action: Referred modification request to the Office of the Hearing Examiner to be heard in conjunction with the pending special exception Case No. S-2732, DKP/CGT, 4-0).

9. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception.

Action: Item deferred additional information (1) statement of operations; (2) confirmation that the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder, consensus.

10. **S-1887, Petition of Old Georgetown Medical Building, LLC** (medical and dental clinic). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification [Large exhibits: site and grading plan and zoning vicinity map].

Action: Granted the administrative modification conditioned upon approval of the signage by the Sign Review Board, DKP/WMH, 4-0).

11. Pending Item. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Email to Joshua Penn, M-NCPPC, from John Chadwick, Pool Board Representative-Improvements, regarding the Natural Resource Inventory and Forest Conservation Plan requirements for an administrative modification request.

Action: (1) Re-opened the record to include Mr. Chadwick's correspondence with attachments; (2) granted the administrative modification, (CGT/WMH, 4-0).

12. **S-2390 and S-2391, Petitions of Farm and Homes Services, Inc.** (retail horticultural nursery, wholesale nursery, and farm supply). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification [Large exhibit: special exception plan].

Action: (1) Re-opened the record to include the revised site plan; (2) granted the administrative modification, (DKP/WMH, 4-0).

13. **S-2648, Petition of Metropolitan Washington Orthodox Seniors Housing, Inc.** (housing and related facilities for senior adults or persons with disabilities). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: cover sheet, site development plan, overall site development plan, landscape plan, courtyard landscape plan, lighting and photometric plan, forest conservation plan (2 sheets), first floor plan, second floor plan, elevations].

Action: Granted the administrative modification, (CGT/WMH, 4-0).

14. **S-2659 and S-2660 Petitions of Jeffrey B. Walcoff, D.V.M. and Sheila Dearybury Walcoff** (veterinary hospital and animal boarding place). Letter to the Board from William Landfair, AICP, requesting an administrative modification [Large exhibits: site plan, landscape plan, final forest conservation plan, elevations and floor plans, photometric plan]. Also included is a letter of support from Barbara Wiley.

Action: Granted the administrative modification, (DKP/WMH, 4-0).

15. **S-2709, Petition of T-Mobile Northeast, LLC and West Hillandale Swim Club** (telecommunications faculty). Motion to Reopen the Record from Susan Present. Response to Request to Reopen the Record from Sean Hughes, Esquire, and Edward Donohue, Esquire. Rebuttal to Response to Motion to Reopen the Record from Susan Present.

Action: Denied Motion to Reopen the record, (CGT/WMH, 3-1).

#### **DECISION ITEMS:**

16. **S-2708, Petition of T-Mobile Northeast, LLC and Spencerville Free Methodist Church** (telecommunications facility). Hearing Examiner's Report and Recommendation. Also included is letter from Sean Hughes, Esquire, and Edward Donohue, Esquire, requesting oral argument.

Action: (1) Denied request for oral argument; (2) remanded case to the Hearing Examiner for clarification of the Hearing Examiner's Report, (CGT/DKP, 4-0).

**DECISION ITEMS (continued):**

17. **S-2711, Petition of Melody Butler d.b.a. Butler Landscape Design** (landscape contractor). Hearing Examiner's Report and Recommendation. Also included are letters from Susan Carter, Esquire, J. Lynn Lipp, Cora Weeks, Caroline Taylor, requesting oral argument.

Action: (1) Denied request for oral argument; (2) denied special exception for lack of a super majority, (WMH/CGT, 3-1).

18. **S-2721, Petition of Adventist Healthcare, Inc.** (hospital). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions as amended, (DKP/CGT, 4-0).

19. **S-2728, Petition of Gerver and Deysi Umanzor** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions as amended, (DKP/CGT, 4-0).

**PENDING ITEMS:**

20. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].

21. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].

22. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08].

23. **S-924, Petition of Thomas E. and Patricia M. Doss** (major home occupation). Show Cause Hearing held open to receive revised site plan and written agreement re: use of church parking lot. Hearing held 6/11/08.

**PENDING ITEMS (continued):**

24. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Check received from Rita Larkins requesting the transfer of the special exception. Letter sent to Ms. Larkins notifying her of the required posting for the transfer of a special exception. Letter dated 3/31/08.
25. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
26. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobile Systems, Inc [W/S 4/30/08].
27. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from John Jassin, M.D., requesting Oral Argument and a letter from Norman Knopf, Esquire, on behalf of Linda and Gregory Locraft. Item deferred pending resolution of the sewer connection issue. BOA to advise County Council.

**Board Members**

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